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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

MAIL DATE

DELIVERY MODE

11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,857

Applicant(s)

SAARINEN ET AL.

Examiner

JOHN M. WINTER

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-133 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CI/CC)
Paper No(s)/Mail Date 3/23/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

The Applicants amendment filed on July 27, 2009 is hereby acknowledged, Claims 75- 133 are pending.

Response to Arguments

1. The Applicant's arguments entered on July 27, 2009 have been fully considered. Applicant's arguments with respect to the pending claim have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC §101

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 75-115, 123,125,126 and 128-130 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent (See also *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) and recent Federal Circuit decisions, a §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In addition, the tie to a particular apparatus, for example, cannot be mere extra-solution activity. See *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.

To meet prong (1), the method step should positively recite the other statutory class (the thing or product) to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively or to meet prong (2), the method step should positively recite identifying the material that is being changed to a different state or positively recite the subject matter that is being transformed.

In this particular case, claim 75 fails prong (1) because the “tie” (e.g. receiving in a mobile terminal) is representative of extra-solution activity. Additionally, the claim(s) fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing.

3. Claims 76- 115, 123,125,126 and 128-130 are either dependant upon claim 75 or contain a similar limitation and are rejected for at least the same reasons.

Claims 116-122 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 116 recites the term “module” which is “software per se” without any corresponding embodiment in a physical medium.

4. Claims 117- 122 are either dependant upon claim 116 or contain a similar limitation and are rejected for at least the same reasons.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 115, 125 and 128 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 115 recites the term and/or/when, claim 125 recites and/or. these limitations are indefinite. Claim 128 recites a "human being" as a functional claim element, this is an indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 75-133 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Lee (US Patent 2002/0111909) in view of Izumoto (US Patent Application Publication 2002/0004762) and further in view of Yu (US Patent 7,044,362).
8. As per claims 75 and 116,
Lee ('909) discloses a method comprising:
storing a signal containing information about an active ticket in a terminal for use by a terminal user, said stored active ticket having a validation status;

receiving a control signal from a ticket service provider; and in response to a the received control signal, dynamically changing a ticket multimedia validation feature characteristic of the active ticket provided by the terminal, for indicating a change in the validation status on one or more states in a life cycle of the active ticket, (Paragraphs 38-39)

Lee ('909) does not explicitly disclose providing a mobile terminal. Izumoto ('762) discloses providing a host operating system (Figure 1, Abstract). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Izumoto ('762)'s teaching in order to allow a user to interact with the device.

9. Lee ('909) does not explicitly disclose providing a mobile terminal. Izumoto ('762) discloses providing a host operating system (Figure 1, Abstract). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Izumoto ('762)'s teaching in order to allow a user to interact with the device.
10. Lee ('909) does not explicitly disclose wherein the said ticket multimedia feature characteristic includes comprises multimedia data being used for the active ticket verification by a ticket inspector. Yu ('362) discloses wherein the said ticket multimedia feature characteristic includes comprises multimedia data being used for the active ticket verification by a ticket inspector. (Column 3, lines 33-53). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Yu ('362)'s teaching in order to allow a user to interact with the device.

11. As per claim 76,

Lee ('909) discloses a method according to claim 75, wherein dynamic changes to the ticket characteristic include multimedia changes or other presentation data, including text, sound, animation, video, still pictures, or some combination thereof (Paragraph 39).

12. As per claims 77, 118 and 133

Lee ('909) discloses a method according to claim 75, wherein the validation status comprises one or more of being either purchased, validated, invalidated, template, pre-valid, prepared, or some combination thereof for one or more different events. (Paragraph 41-42)

13. As per claims 78 and 119,

Lee ('909) discloses a method according to claim 75, wherein the ticket multimedia validation feature dynamically changes based on a payment by the user of the mobile terminal. (Paragraphs 38-39)

14. As per claims 79 and 120,

Lee ('909) discloses a method according to claim 75, wherein the ticket multimedia validation feature dynamically changes based on a predetermined time, status or combination thereof. (Paragraphs 38-39)

15. As per claims 80 and 121,

Lee ('909) discloses a method according to claim 75,
wherein the ticket multimedia validation feature dynamically changes based on a
predetermined or changing geographic location. (Paragraphs 38-39)

16. As per claims 81 and 122,

Lee ('909) discloses a method according to claim 75,
wherein the ticket multimedia validation feature dynamically changes based on a
purchase transaction between a user of the mobile terminal and a ticket service provider.
(Paragraphs 38-39)

17. As per claims 83 and 123,

Lee ('909) discloses a method according to claim 75,
wherein the ticket characteristic information includes ticket characteristic control data, a
ticket characteristic algorithm, a new set of ticket related media or a combination thereof.
(Paragraphs 38-39)

18. As per claim 84, 124 and 126-127,

Lee ('909) discloses a method according to claim 83,
wherein the ticket characteristic control data includes new control data to change the
ticket characteristic algorithm or other presentation data, including new parameter
values.(Paragraphs 38-39)

19. As per claim 85,

Lee ('909) discloses a method according to claim 83,
wherein the control data is received at a certain time or location, or just before the at
least one active ticket is to be used. (Paragraphs 38-39)

20. As per claim 86,

Lee ('909) discloses a method according to claim 83,
wherein the control data is sent to only purchased tickets based on a respective
identification code associated with a respective mobile terminal. (Paragraphs 37-41)

21. As per claim 87,

Lee ('909) discloses a method according to claim 83,
wherein the at least one active ticket is validated using visual or audio validation based
on the ticket multimedia validation feature. (Paragraph 41)

22. As per claim 88,

Lee ('909) discloses a method according to claim 87,
wherein the visual or audio validation is performed by either a human, or a machine, or
some combination thereof. (Paragraph 41)

23. As per claim 89,

Lee ('909) discloses a method according to claim 82,

wherein the I ticket service provider provides the control signal information to the mobile terminal via the Internet or a mobile network. (Paragraph 38)

24. As per claims 90 and 91,

Lee ('909) discloses a method according to claim 82,

Lee does not specifically disclose “the ticket service provider provides the ticket characteristic information to the mobile terminal using a Java-based protocol, e.g. MIDP Over-the-Air approach.” Official Notice is taken that “the ticket service provider provides the ticket characteristic information to the mobile terminal using a Java-based protocol, e.g. MIDP Over-the-Air approach.” is common and well known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide ticket characteristic information to the mobile terminal using a Java-based protocol in order to increase the compatibility of the system with a larger number of commercially available phones.

25. As per claims 92-94,

Lee ('909) discloses a method according to claim 1,

Lee does not specifically disclose “wherein the ticket multimedia validation feature is an audio ticket characteristic and the audio validation is based a relative frequency change” Official Notice is taken that “wherein the ticket multimedia validation feature is an audio ticket characteristic and the audio validation is based a relative frequency change as well as an audio watermark embedded therein using a secret key..” is common and well

known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an audible signal in conjunction with a watermark for ticket validation in order to prevent forging of the ticket.

26. As per claim 95,

Lee ('909) discloses a method according to claim 93, wherein the active ticket is implemented using a protocol based on Mobile electronic Transactions, including the mobile transaction ticket format. (Paragraph 38 [Examiner notes ticket is based on a specification for a transaction])

27. As per claim 96,

Lee ('909) discloses a method according to claim 95, wherein the mobile electronic transactions ticket format comprises only a template for a pre-valid active ticket. (Paragraph 38)

28. As per claim 97,

Lee ('909) discloses a method according to claim 95, wherein the mobile transaction ticket format comprises valid ticket information for a valid active ticket. (Paragraphs 35-37)

29. As per claim 98,

Lee ('909) discloses a method according to claim 97,

wherein the valid ticket information is removed from the mobile electronic transactions ticket for a used active ticket. (Paragraph 44)

30. As per claim 99,
Lee ('909) discloses a method according to claim 97,
wherein the method is implemented using an active ticket system architecture comprising the mobile terminal and a ticket service provider. (Abstract)

31. As per claim 100,
Lee ('909) discloses a method according to claim 99,
wherein the ticket service provider includes comprises a ticket generator responsible for generating the active ticket for the mobile terminal.(Figure 1 – ticket server)

32. As per claim 101,
Lee ('909) discloses a method according to claim 99,
wherein the ticket service provider comprises a ticket issuer for delivery and updating of the active ticket, or upgrading an active ticket application at the mobile terminal.(paragraph 20)

33. As per claim 102,
Lee ('909) discloses a method according to claim 99,

wherein the I ticket service provider comprises a memory device or database for ticket data and user information and logs(paragraph 31, 39).

34. As per claim 103,
Lee ('909) discloses a method according to claim 99,
wherein the active ticket comprises a mobile active ticket application that is installed and run on the mobile terminal. (paragraph 39)

35. As per claim 104,
Lee ('909) discloses a method according to claim 99,
wherein the mobile terminal comprises a ticket transaction module, which is configured to support various payment methods, including a credit or debit card, or short messaging service based micropayment, or terminal user's preference, for supporting ticket purchases. (paragraph 34)

36. As per claim 105,
Lee ('909) discloses a method according to claim 75,
wherein the active ticket comprises a plurality of active tickets. (paragraph 46)

37. As per claim 106,
Lee ('909) discloses a method according to claim 105,

wherein each of the plurality of active tickets comprises one or more different events.
(paragraph 46)

38. As per claim 107,
Lee ('909) discloses a method according to claim 105,
wherein each active ticket comprises a respective series of life cycles each
life cycle being associated with a validation status.(Abstract)

39. As per claims 108-109,
Lee ('909) discloses a method according to claim 1,
Lee does not specifically disclose “generating with a ticket issuer a root key, which can
derive a number of seed keys;
distributing the seed keys to users before issuing the active ticket; broadcasting a
command encryption by the root key to indicate which of the seed keys can be used for
decryption based on data managed by the ticket service provider; and
allowing a user who is holding a valid seed key, which are allowed to decrypt the
command package, to decrypt a command package and upgrade the ticket characteristic
to a valid one.” Official Notice is taken that “generating with a ticket issuer a root key,
which can derive a number of seed keys; distributing the seed keys to users before issuing
the active ticket; broadcasting a command encryption by the root key to indicate which of
the seed keys can be used for decryption based on data managed by the ticket service
provider; and allowing a user who is holding a valid seed key, which are allowed to

decrypt the command package, to decrypt a command package and upgrade the ticket validation status to a valid one..." is common and well known in prior art in reference to transaction protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize an encryption protocol in order to prevent forging of the ticket.

40. As per claim 110,

Lee ('909) discloses a method according to claim 105,

Lee ('909) does not explicitly disclose the ticket service provider sends commands or media to the mobile terminal using a push by request technique, including requesting payment or other measures from the mobile terminal user to upgrade the ticket validation status. Yu ('362) discloses the ticket service provider sends commands or media to the mobile terminal using a push by request technique, including requesting payment or other measures from the mobile terminal user to upgrade the ticket validation status. (Column 5, line 50 –column 6 line 4). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Yu ('362)'s teaching in order to allow a user to interact with the device.

41. As per claim 111,

Lee ('909) discloses a method according to claim 105,

wherein the push by request technique comprises at least the following:

providing in an active ticket application a ticket provider's public key certificate; signing

any command by the ticket service provider and verifying the same by the active ticket application; and changing the ticket status of an indicated active ticket based on the content inside a valid command.(paragraph 38 and 39)

42. As per claim 112,

Lee ('909) discloses a method according to claim 101, wherein the mobile terminal sends the ticket service provider a short message service signal containing payment data in order to make the payment. (paragraph 34)

43. As per claim 112,

Lee ('909) discloses a method according to claim 101, Lee ('909) does not explicitly disclose wherein the -control signal comprises a uniform resource locator address where to download a ticket file containing information related to the ticket multimedia validation feature characteristic.Yu ('362) discloses wherein the control signal comprises a uniform resource locator address where to download a ticket file containing information related to the ticket multimedia validation feature characteristic. (Column 5, line 50 –column 6 line 4). It would be obvious to one having ordinary skill in the art at the time of the invention to combine Lee ('909) method with Yu ('362)'s teaching in order to allow a user to interact with the device.

44. As per claim 114,

Lee ('909) discloses a method according to claim 113,
wherein the mobile terminal saves the ticket file(Abstract).

45. As per claim 115,
Lee ('909) discloses a method according to claim 113,
wherein the mobile terminal saves information related to how and/or/where to start an
active ticket application. (Abstract)

46. As per claim 117,
Lee ('909) discloses an apparatus mobile terminal according to claim 116,
wherein the mobile active ticket application module is configured to provide a request for
the active ticket. (Abstract, paragraph 27)

47. As per claim 125,
Lee ('909) discloses a method according to claim 99,
wherein the mobile terminal includes a centralized ticket manager for viewing and/or
managing the tickets that a user has. (Abstract, figure 1)

48. As per claim 128,
Lee ('909) discloses a method according to claim 99,
wherein the ticket service provider includes a ticket inspector, said ticket inspector may
comprises at least one of a digital machine and human being for ticket verification on its

validity and correctness. (paragraph 41,42)

49. As per claim 129,

Lee ('909) discloses a method according to claim 75,

wherein a number of ticket services support are managed at the same time or in series.

(Abstract)

50. As per claim 130,

Lee ('909) discloses a method according to claim 129,

wherein one ticket service depends on a previous ticket service. (Abstract)

51. As per claim 132,

Lee ('909) discloses an apparatus according to claim 131,

wherein the means for receiving is configured to provide a request for the active ticket.

(Abstract)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 3685